

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

STATE OF NEW YORK and  
THE BOARD OF EDUCATION FOR THE  
CITY SCHOOL DISTRICT OF THE CITY  
OF NEW YORK,

Plaintiffs,

-against-

20 **CIVIL** 4260 (JGK)

**JUDGMENT**

UNITED STATES DEPARTMENT OF  
EDUCATION and ELISABETH DEVOS,  
*in her official capacity as the Secretary of  
Education,*

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated November 4, 2020, under Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs the State of New York and the Board of Education for the City School District of the City of New York ("Plaintiffs") and Defendants United States Department of Education and Elisabeth De Vos, in her official capacity as the Secretary of Education ("Defendants") (collectively, the "Parties"), stipulate to the dismissal of the above-captioned action without prejudice. The Parties further stipulate that, in the event that either Plaintiff seeks to resume litigation challenging the U.S. Department of Education's Final Rule, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Final Rule") in the future, that Plaintiff agrees to seek to reopen this action or, should such option be unavailable, to file such challenge in the Southern District of New York and follow the related case requirement under Local Civil Rule 1.6. The Parties agree that nothing in the stipulation will prevent Plaintiffs or

their respective educational institutions from asserting the invalidity of the Final Rule, or any provision thereof, in a case in which either of the Plaintiffs or any of their educational institutions are named as defendants. Judgement is entered dismissing this case without prejudice in accordance with the stipulation.

**Dated:** New York, New York  
November 4, 2020

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

**BY:**

\_\_\_\_\_  
*K. mango*

\_\_\_\_\_  
**Deputy Clerk**